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BOOK REVIEWS.

EDWARD N. PERKINS, *Editor-in-Charge.*

MEDICOLEGAL ASPECTS OF MORAL OFFENCES. By L. THOINOT, M. D., Professor in the Medical Faculty of Paris; Physician to Laënnec Hospital; Expert to the Tribunal of the Seine; Member of the Academy of Medicine and of the Society of Legal Medicine of France. Translated from the original French and enlarged by ARTHUR D. WEYSSE. Illustrated with seventeen engravings, including four charts and diagrams. Philadelphia: F. A. DAVIS Co. 1911. pp. xv, 487.

Dr. Thoinot's book is based on a course of lectures delivered by him at the Medical School of Paris. In his preface he states that his object is "to bring up to date the whole question of moral offences * * * and to create familiarity with the whole question of the perversions of the sexual instinct." He has gone far towards success. Throughout the work the "case system" is largely followed, many instances being drawn from the author's practice; citations from standard works are given, and the conclusions to be drawn from them are concisely stated. Professor Weyssé in the translation has preserved admirably the simple and lucid style of the original and has added foot-notes and an index of value. He has written an appendix to Chapter 1 in which he summarizes the laws of the United States in regard to sexual offences, and points out some of the differences between the French laws and those of this country. It is to be regretted that the table giving the age of consent in the various States is neither complete nor accurate.

In the first chapter the author gives a clear summary of the French law, indicates the cases in which an expert medical opinion may be required, and outlines the plan and scope of the work. Introductory to the general question of rape, the anatomy of the female genital organs is clearly explained, and the importance of a thorough study of the hymen, which is the key to the question of rape, is emphasized. The signs of virginity and defloration are described, and the indicia of rape, including genital and extragenital lesions, both traumatic and venereal, in children, adult virgins, and women already deflowered, are discussed exhaustively. In discussing the possibility of rape on an adult in full possession of her faculties, the author holds the sound view that the crime is difficult, but not impossible, except, of course, in cases where there is more than one aggressor. In this connection the American student must bear in mind that according to French law there is no rape but merely an indecent assault, unless there is full penetration; whereas, in this country, any degree of penetration, however slight, is sufficient to complete the crime. After discussing rape by violence at great length, the question of rape while the victim is deprived of will power, by natural or artificial means, is taken up. The author concludes that it is impossible to consummate an act of intercourse with a virgin in a natural sleep without awakening her, but says that "if the complaint comes from a deflowered woman, recall that in some cases the thing is, strictly speaking, possible, but preserve a wise distrust." "*Non omnes dormiunt qui clausos et coniventes habent oculos.*" Touching on the question of rape while the

victim is under the influence of anesthetics, the author calls attention to the small number of authenticated cases in which it has occurred, and holds that it is practically impossible to anesthetize, without awakening, a sleeping person. Rape during hypnosis and certain analogous states, such as lethargy, catalepsy, somnambulism and vigilambulism, is then discussed and some interesting and instructive cases cited. The two schools of hypnotism, that of Saltpetriere and that of Nancy, are explained and their doctrines summarized. The author holds the generally accepted belief that it is impossible to make a subject in the hypnotic state do an act which is repugnant to his character. The subject of indecent assaults, both on men and on women, is treated fully in three chapters, special attention being given to venereal lesions and their value as evidence, and to the indications of pederasty. Another chapter, which should be read by every doctor and every lawyer, deals with false accusations of indecent assaults, whether prompted by hysteria or some other and more sinister motive, and incidentally the author points out the necessity for the most careful scrutiny of the stories told by children. The author gives a number of rules for the guidance of his students in regard to the methods of examination and the form of report to be submitted to the court, which cannot be commended too highly.

Public offences against decency, such as indecent exposure and the like, are then discussed, and some cases showing the danger of hasty judgment are given.

The second half of the book takes up the question of perversions of the sexual instinct. The author points out the importance of this subject from a medico-legal point of view, gives an historical sketch of perversion, and takes up in the order named: Sexual inversion, Exhibitionism, Fetichism, Sadism and Masochism, Bestiality, Necrophilia, Satyriasis and Nymphomania, and Erotomania. The author defines mental degenerates as follows: "There is a category of individuals, unfortunately very numerous, in whom morbid causes,—hereditary in the majority of cases; acquired (individual) in some,—have hindered the regular development of the nervous system; from this disturbance in development result,—and that from an early age,—defects (or taints) that will mark the individual for life. These psychic defects, and sometimes also physical defects, are what are called stigmata, and individuals thus afflicted are mental degenerates." Hereditary degeneracy is the transmission to the offspring of an original defect that has its source in various affections of the progenitors, chief among which are diseases of the nervous system; intoxications, chiefly, alcoholism, and infections, such as syphilis. Non-hereditary degenerates are congenital, infantile, and juvenile. The cause of non-hereditary degeneracy may be various infections, of which little is known, or, on the contrary, well-known affections, such as infantile paralysis, typhoid fever, and so on. The physical stigmata of degeneracy consists of malformations of various parts of the body. The psychic stigmata are much more important. They may be arranged under the following rubrics: Anomalies of intelligence, episodic syndromes, deliria, and sexual perversions. The sexual perversions do not belong to degenerates alone. Other persons with other maladies exhibit them, but in few morbid states do they appear so varied and frequent as in degenerates. The reason for this is that the mental degenerate is in unstable equilibrium in the entire nervous system. The sensory centers may act by freeing themselves from the control

of the psychic centers, or, on the other hand, the psychic centers may function without the co-operation of the sensory and spinal centers. After sketching in broad lines the physiognomy of the degenerate, the author takes up in detail the question of sexual perversion. He gives an historical sketch of inversion of the genital instinct, showing that it has existed from the earliest times, and in all countries, among both men and women, and remarks on the well-known tendency of uranists to put "retrospectively and without sufficient proof, into their ranks a crowd of celebrated personages, artists or writers of genius, etc." The medical study of inversions is divided into two periods, one ending in 1870, prior to which no scientific work on the subject had been done, the other beginning in that year with Westphal's celebrated memoir and continuing to the present time. One result of the medical study of inversion is that in France to-day relations consented to by both parties and consummated in a private place escape all penalty. The author and translator appear to view this result with satisfaction, and hold, with most writers on the subject, that the inverted individual has an irresistible genital inclination for his own sex, and, while fully recognizing the nature and quality of his act, cannot refrain from doing it. It would seem to the reviewer that up to the present time this has not been proved. In none of the cases cited has it been shown that the impulse was irresistible, nor is there any adequate proof that the sexual desires of an invert are stronger than those of a normal individual. In fact, in many cases cited, among others the historical case of Sergeant Bertrand, the necrophilist, it appears that the degenerate was able to control himself, and to refrain from his abominable acts when the risk of detection seemed imminent. In another case cited by the author, that of a fetichist who stole white aprons to gratify what the author states was an irresistible impulse, it appears that the fetichist on one occasion waited for several hours until he thought the coast was clear before attempting to steal the object of his desires. While, then, it is undoubtedly true that the invert is impelled to secure satisfaction with those of his own sex, there seems to be no good reason to believe that his sexual desires are stronger and less susceptible of control than those of the normal man, and consequently no reason why his conduct should escape the punishment decreed by the law. The author, himself, states that many inverts remain passive throughout their lives, never indulging in the acts which they desire.

The author draws a clear distinction between inversion due to vice and what he calls "inversion-perversion," or the inversion of degeneracy, which distinction is undoubtedly well founded. The translator suggests instead of "inversion-perversion" the term "inversion-deviation," suggesting that "inversion-perversion" is unnecessarily opprobrious, a belief not shared by the reviewer. A large amount of space is devoted to Uranism, giving its distinctive characteristics, both in men and women, and following the classification adopted by Krafft-Ebing, that is to say: 1. Psychic hermaphroditism; 2. Homosexuality; 3. Effemination and its opposite, viraginity; 4. Androgyny and its opposite, gynandry. He also points out that what has been called "acquired uranism" is, more properly speaking, "retarded uranism," and shows that the cure of an inverted individual is hopeless in the vast majority of cases, and only possible in some cases of psychic hermaphroditism and retarded uranism. Uranism develops upon a basis of mental degeneracy, and in a great majority of cases the degeneracy is hereditary. He points out various psychic stigmata, chiefly phe-

nomena of obsession and impulsions, and states that uranism is undoubtedly on the increase, both among men and among women. The real cause of perversion is unknown. The author cannot hold either with Mantegazza that it is caused by anatomical arrangement of the various nerves, nor with Krafft-Ebing. Coming to the question of periodic inversion of the psychoses the author shows that inversion may figure in periodic insanity, epilepsy, general paralysis, senile dementia, etc. The author then takes up inversion-vice, and studies professional inversion; inversion through lust or depravity; inversion through necessity, and inversion through fear of normal sexual relations. After treating uranism, the other subjects already mentioned are fully discussed, each one illustrated with interesting and instructive cases.

On the whole, the book cannot be recommended too highly, not only to lawyers, but also to physicians. It is a most balanced, sane, and lucidly written work, is remarkably free from technical terms, and is altogether the best book on the subject with which I am acquainted. It is to be regretted that a course similar to Dr. Thoinot's is not available to students in this country.

Joseph E. Corrigan.

SUSPENSION OF THE POWER OF ALIENATION. By STEWART CHAPLIN. Second Edition. New York: BAKER, VOORHIS & COMPANY. 1911. pp. xlvii, 413.

As Mr. Chaplin states in his first edition of this useful and standard treatise, the New York Revised Statutes established a new system of law on the subject of perpetuities. This system cannot be learned from the Revised Statutes themselves, for these statutes are not a mere revision of the statute law in the strict sense of the term, but are in effect a codification, especially of many important topics in the law of private rights, such as Uses and Trusts, Accumulations, Powers, and the Rule against Perpetuities. The new system established by this codification, must be learned from the cases themselves, and there is need, therefore, of a treatise for digesting and analyzing these cases quite as much as there is for digesting and analyzing cases involving the principles of the unwritten law. This need is supplied in a very satisfactory way by this book. The first edition was published in 1891. Since then have been decided all the cases in the Court of Appeals contained in volumes 127-202 N. Y., both inclusive, and all the cases in the General Term or Appellate Division contained in volumes 62 Hun.—144 Appellate Division, both inclusive. All these decisions or the more important of them are commented upon or cited in this second edition.

In his first edition, Mr. Chaplin contended that under this new New York system there are two Rules against Perpetuities; the one aimed at the suspension of the Power of Alienation, and the other at Remote Vesting. In the second edition, the author can point triumphantly in vindication of his position to the recent decision in *Matter of Wilcox*, 194 N. Y., 288. And much of the new matter in the second edition is based upon this decision and the inferences that Mr. Chaplin draws from it. He attempts to fortify the decision by additional arguments and illustrations and to reconcile it with the decision in *Sawyer v. Cubby*, 146 N. Y., 192; but, in the opinion of the writer, his arguments and illustrations are not convincing and do not answer the